

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law - 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

CERTIFIED TRUE COPY

**FILED**

AUG 11 2005

By: Marianne W. Greenwald  
Deputy Attorney General  
Tel. No. (973)648-4876

**BOARD OF PHARMACY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

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IN THE MATTER OF THE SUSPENSION : Administrative Action  
OR REVOCATION OF THE LICENSE OF :

DAVID C. DARE, R.P. :

TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

**CONSENT ORDER**

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This matter was opened to the New Jersey State Board of Pharmacy by receipt of information that, on March 6, 2004 respondent ordered five (5) vials of Ketamine, a Schedule II Controlled Dangerous Substance while working as a pharmacist at Walmart Pharmacy, Pennsville, New Jersey. On March 10, 2004 respondent diverted four of the five (5) vials for his own use. Thereafter, in June of 2004, respondent was charged with Possession of CDS by the Pennsville Police Department and permitted to enter the Pretrial Intervention Program. Further, respondent answered in the negative on his April 2005 current license renewal to the

question, "Have you violated any State or federal laws governing the practice of pharmacy within the last two years."

The Board believing that the within resolution is adequately protective of the public health, safety and welfare, and respondent, waiving any right to hearing and desirous of resolving this matter prior to the filing of a formal administrative complaint, has agreed to surrender his license immediately pursuant to the following conditions.

**IT IS THEREFORE** on this 9<sup>th</sup> day of August, 2005,

**ORDERED AND AGREED**, that the license of David Dare, R.P. to practice pharmacy in the State of New Jersey is hereby suspended for a minimum of one year, and pending further order of the Board;

**ORDERED AND AGREED**, pending further order of the Board, respondent shall cease and desist from engaging in the practice of pharmacy, including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with any patient, and he is prohibited from being present within a prescription filling area of any pharmacy, and it is further

**ORDERED AND AGREED**, pending further order of the Board that respondent shall by execution of the within Order surrender

his original wall certificate, his wallet certificate, and his most recent renewal card of his license to an authorized representative of the Board, and it is further

**ORDERED AND AGREED**, respondent may appear before the Board no earlier than one (1) year from the entry of this Order, to seek reinstatement demonstrate that he is fit and competent to resume the practice of pharmacy and be placed on probationary status for no less than one year, subject to conditions to be determined by the Board, and it is further

**ORDERED AND AGREED**, that prior to the scheduling of an appearance seeking reinstatement of license, respondent shall submit documentation satisfactory to the Board inclusive of, but not limited, to twice weekly, random, witnessed urine screens, complete treatment records of any diagnostic and rehabilitative therapy and an in-depth, current evaluation from a Board approved psychiatrist or psychologist.

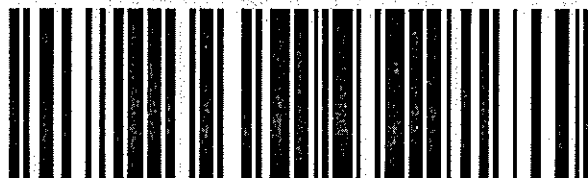
NEW JERSEY STATE BOARD OF PHARMACY

By: Pamela Allen, RPh  
Pamela Allen, R.P.,  
President

I have read the within Order and understand its terms. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

David C. Dare, III  
David C. Dare, III, R.P.

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title	DiGiovanni Richard Lic# 28RI02601400
document	DiGiovanni Richard Lic# 28RI02601400
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summary	Consent Order 07/06/2005
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description	
author	Donna Franklin
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**JUL 06 2005**

**BOARD OF PHARMACY**

By: Marianne W. Greenwald  
Deputy Attorney General  
Tel. No. (973)648-4876

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

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IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
:	
RICHARD DiGIOVANNI, R.P. :	CONSENT ORDER
:	
TO PRACTICE PHARMACY IN THE :	
STATE OF NEW JERSEY :	
:	
:	

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This matter was originally opened to the New Jersey State Board of Pharmacy by receipt of information that respondent had been convicted of One Count of Conspiracy to commit theft in excess of \$500.00, to wit; respondent diverted Oxycontin, a Schedule II Controlled Dangerous Substance from his workplace, Happy Harry's, a pharmacy in Chestertown, Maryland, from June of 2002 to August of 2004. On March 11, 2005 respondent was sentenced to eight (8) years incarceration, seven (7) of which were stayed, one (1) year to be served as home detention, and thereafter five (5) years supervised probation. Respondent is to pay restitution of

\$58,965.00 to Happy Harry's and complete 300 hours of community service within three (3) years of the start of criminal probation.

The Board finding that this Order is protective of the public's safety, health and welfare and respondent agrees to waive his right to a hearing to resolve this matter without further proceedings;

IT IS THEREFORE on this 5<sup>th</sup> day of July, 2005,

ORDERED AND AGREED, that the license of Richard DiGiovanni, R.P. to practice pharmacy in the State of New Jersey is hereby revoked with prejudice to requesting reinstatement for four (4) years from the entry of this Order or upon completion of the criminal probation, whichever occurs later.

ORDERED AND AGREED, Respondent shall, immediately cease and desist from engaging in the practice of pharmacy, including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with any patient, and he is prohibited from being present within a prescription filling area of a pharmacy, and it is further

ORDERED AND AGREED, Respondent shall at the time of execution of the within Order surrender his original wall certificate, his wallet certificate, and his most recent renewal

card of his license to an authorized representative of the Board,  
and it is further

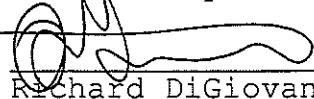
ORDERED AND AGREED, Upon application for reinstatement,  
respondent shall appear before the Board or a committee upon  
request and submit documentation satisfactory to the Board  
inclusive of, but not limited, to weekly, random, witnessed urine  
screens, complete treatment records of all diagnostic and  
rehabilitative therapy and an in-depth, current evaluation from a  
Board approved psychiatrist or psychologist upon any such  
application, the burden shall be upon respondent to demonstrate  
that he is fit and competent to practice pharmacy; and it is  
further

ORDERED AND AGREED, nothing herein shall preclude the  
Board from taking any additional action in this matter permitted by  
law.

NEW JERSEY STATE BOARD OF PHARMACY

By: Pamela Allen, RPh  
Pamela Allen, R.P.,  
President

I have read the within Order  
and understand its terms. I  
agree to be bound by its terms  
and hereby consent to it being  
entered by the New Jersey Board  
of Pharmacy.

  
Richard DiGiovanni, R.P.